

REMARKS

Claims 1-13, 15-28 and 30-41 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 10 and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Specifically, the Examiner asserts that there is no description for how the first tank is pneumatically isolated from the second tank. However, the Examiner's attention is drawn to paragraph [0025] of the application as originally filed. This paragraph teaches a valve may be disposed between the tanks to pneumatically isolate the tanks. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 5, 10, 14, 15, 25, 29, 30 and 41 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter. This rejection is respectfully traversed.

Claims 5, 15 and 30 have been amended in accordance with the Examiner's suggestions; whereas, claims 14, 29 and 41 are cancelled from the application. Basis for amendments to claims 15 and 30 may be found in paragraph [0033]. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-9, 11-24 and 26-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,676,382 (Leighton) in view of U.S. Patent No. 6,562,509 (Eggert). This rejection is respectfully traversed.

Leighton is directed generally to a sump pump monitoring and control system. The Examiner relies on this reference to teach a pump powered by an AC source or a battery. However, as noted by the Examiner, the batteries 206, 208 are hard wired into the system and thus Leighton fails to teach or suggest a docking station for receiving rechargeable batteries. The Examiner then relies on Eggert to teach this aspect of the invention.

Eggert is directed generally to a cordless power tool, such as a handheld drill, having a rechargeable battery pack. The Examiner asserts that it would have been obvious to provide the sump pump of Leighton with a docking station for rechargeable batteries. Applicant respectfully disagrees. The batteries in Leighton serve as a backup power source to the AC source. When the AC power is unavailable, it is essential that the battery be present to power the pump, thereby preventing flooding. Therefore, it is unlikely that the sump pump would be configured with a docking station which permits the battery to be easily removed. Moreover, the sump pump appears to be designed to periodically recharge the batteries (e.g., see 604 in Fig. 37) so that there is no need for the batteries to be removed for charging. In sum, there is no motivation or rationale for incorporating a docking station into the sump pump. Therefore, it is respectfully submitted that pending claims defines patentable subject matter over this combination of references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

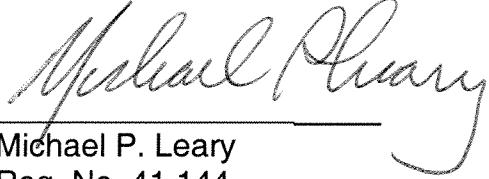
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-2773.

Respectfully submitted,

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Michael P. Leary
Reg. No. 41,144

The Black & Decker Corporation
701 E. Joppa Road-TW199
Towson, MD 21286
Telephone No.: (410) 716-2773
Facsimile No.: (410) 716-2610